

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN RE: : CHAPTER 13 PROCEEDING
THOMAS M WHEITNER : CASE NO. : 15-60970
ANITA R WHEITNER : JUDGE RUSS KENDIG
DEBTOR(S) :

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
OF DEBTOR(S) 2ND AMENDED PLAN DATED AUGUST 20, 2015**

Now comes the Standing Chapter 13 Trustee, **Toby L. Rosen**, for the above captioned case and objects to Confirmation of the Debtor's proposed Plan on the grounds that said plan is in violation of 11 U.S.C. Section(s):

Unfeasible

1325 (a) (6) the debtor will be able to make all payments under the plan and to comply with the plan

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

By failing to comply with 11 U.S.C. Section

1322 (d) the plan may not provide for payments over a period that is longer than three years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than five years.

**WON'T PAY IN 60 MONTHS
DEBTORS CANNOT MAKE PAYMENTS AS SCHEDULED**

Disposable Income

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

And therefore fails to comply with 11 U.S.C. Section

1322 (a) (1) provide for the submission of all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.

A proposed plan must comply with 11 U.S.C. Section

1325 (b) (1) (B) the plan provides that all the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

NEED PAY STUBS FOR WIFE'S NEW JOB

Discrimination

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

By failing to comply with 11 U.S.C. Section

1322 (b) (1) designate a class or classes of unsecured claims, as provided in section 1122 of this title, but may not discriminate unfairly against any class so designated, however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims.

PAYING STUDENT LOANS OUTSIDE OF THE PLAN

WHEREFORE, the Standing Chapter 13 Trustee prays that the confirmation of the debtor(s) plan be **denied**.

/S/ Toby L. Rosen
Toby L. Rosen, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I certify that on August 27, 2015, a true and correct copy of the OBJECTION was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

EDWARD CLARK CORLEY ESQ, on behalf of THOMAS M and ANITA R WHEITNER, at law@edwardcorley.com

And by regular U.S. Mail, postage prepaid, on:

NONE

/s/ Toby L. Rosen
Toby L. Rosen, Chapter 13 Trustee
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